

REMARKS

The present application comprises claims 1-28 which are subject to restriction; claims 1-20 have been elected for further prosecution and claims 21-28 are withdrawn subject to applicant's right to file a continuation application for their subject matter.

Formal drawings are filed with the present amendment. In the formal drawings, the reference numeral 27 has been added to the Reference Cell of Fig. 3 for ease of understanding. Reference Cell 27 is referred to throughout the specification. (see for example, paragraphs 16-18 of the published application)

Claims 1-20 remain in the application after the withdrawal of claims 21-28 and claims 29-35 have been added by the present amendment. The preambles of claims 1 and 4-20 have been amended to clarify the combination being claimed. In addition, claim dependencies have been amended to accommodate the amendments to earlier claims in the dependency string. Figs. 1 and 2 and the description in paragraph 14 of the publication provide support for newly added claims 29 and 30. Claim 31 is supported at paragraph 20 and Fig. 4. Claim 32 is supported in paragraph 18. Lastly, claim 33 is supported at paragraphs 27 and 28 and Fig. 6. The subject of claims 34 and 35 is discussed throughout the specification and particularly in paragraphs 4, 15, 27, 28, 30 and 32.

Claims 1 and 2 stand rejected under 35 U.S.C. 102 as anticipated by Plegat U.S. 3,921,436, and claims 3, 5, 7 and 8 stand rejected under 35 U.S.C. 103 by combination of Plegat with Joseph et al., U.S. 6,848,292. Applicant thanks the Examiner for the expression that claims 6 and 9-20 would be allowable if rewritten into independent form. Claims 6 and 9-20 have not been rewritten into independent form in the present Response because it is believed that claim 1, from which they depend, is allowable as amended. Claim 1, as amended, includes a reference source cell comprising a substantially sealed volume and a control apparatus for controlling the temperature of the reference source cell volume to produce a controlled fluid inflow or fluid outflow with the testing conduit. Plegat does not teach or suggest temperature control of a closed volume to produce a controlled fluid inflow or outflow and accordingly the rejection under 35 U.S.C. 102 is traversed.

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The Examiner cites Plegat in combination with Joseph et al., to show the suggestion of temperature control. Joseph et al., does not show or suggest temperature control to produce a controlled fluid inflow or outflow from a substantially sealed cell as recited in claim 1. Joseph et al., at column 3, lines 40-54 discusses only that the temperature of a standard pressure transducer is maintained at the same level as the temperature of a plurality of transducers being calibrated. That is that there is no teaching or suggestion (or reason for) creating a controlled inflow or outflow from the standard transducer or the transducers being calibrated. Accordingly applicant asserts that claim 1 is allowable on the cited references and that claims 4-20 and 29-35, which depend from claim 1 are allowable.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully requested,

FITCH, EVEN, TABIN & FLANNERY

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Amendments to the Drawing:

The attached letter requests the substitution of formal drawings for the informal drawings in the file, and approval is sought to add a reference numeral to Fig. 3 thereof.